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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,973	02/25/2004	Toshiaki Igarashi	03500.100142.	8991
5514 7590 04/09/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
NGUYEN, CINDY				
ART UNIT		PAPER NUMBER		
2161				
MAIL DATE		DELIVERY MODE		
04/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/784,973

Applicant(s)

IGARASHI, TOSHIAKI

Examiner

CINDY NGUYEN

Art Unit

2161

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/02/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 03/02/09.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/02/09 has been entered.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 03/02/09 is being considered by the examiner.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoyagi et al. (US 20020032761, hereafter Aoyagi).

As to claims 1,2,6,9, 12 and 13, Aoyagi teaches a network device that receives a search request transmitted from a data processing apparatus, performs a search for network devices in response to receiving the search request, and transmits a device list indicating the network devices found by performing the search to the data processing apparatus, the network device managing apparatus comprising:

storage unit adapted to store the device list indicating network devices found by performing the search, the device list being associated stored in association with identification information identifying the data processing apparatus that transmitted the search request (see paragraph 0157, 0162, 0169, 0189, Aoyagi);

receiving unit adapted to receive, from the data processing apparatus, a new search request for a new search for network devices and identification information identifying the data processing apparatus transmitting the new search request (i.e., the MIB access module 612, fig. 6 and corresponding text; paragraphs 0193, 0194, Aoyagi);

searching unit adapted to perform a new search for network devices in response to the new search request received by the receiving unit (i.e., the auto discovery module 613 and corresponding text; paragraphs 0393-0394, Aoyagi);

obtaining unit adapted to obtain from among device lists stored in the storage unit and using the received identification information as a key, the device list associated with the received identification information, the obtained device list indicating a search result obtained in a search performed prior to performing the new search by the search unit (i.e., the active status detection module 611 and corresponding text; paragraph 0379, 0380, Aoyagi);

a comparing unit adapted to compare a new search result provided by the searching unit with the device list obtained by the obtaining unit (the auto discovery module searches the IP address item of the AT table 622 with the IP address as the key...see paragraphs 0393-0399, 0413, 0447, 0448, 0454 Aoyagi);

forming unit adapted to specify any the network devices found by performing the new search by said searching unit but not present in the device list obtained by the obtaining unit (see paragraph 0384, 0385), and to form a new device list in which such specified network device are emphasized among network devices found by performing the new search (the auto discovery module 613 waits for an TS table creation request... see paragraphs 0450-0459, and figs. 68-97 and corresponding text, Aoyagi);

Transmitting unit adapted to transmit the new device list formed by the forming unit to the data processing apparatus (i.e., display program 604, fig. 4 and corresponding text; paragraphs 0343, Aoyagi).

As to claims 3 and 10, Aoyagi teaches wherein the device list formed by the forming unit indicates at least one of information regarding whether printing is possible or not and an error state (check whether responses or errors are returned...see paragraph 0154, Aoyagi).

As to claims 4, 7 and 11, Aoyagi teaches wherein the device list formed by the data forming means includes an emphasis mark to emphasize (i.e., Building Map

display area 3606, devices corresponding to the device selected on the Network map display are highlighted automatically... see paragraph 0342, Aoyagi).

As to claims 5 and 8, Aoyagi teaches wherein the device list formed by the data forming means includes instruction data for allowing a device icon of the data processing apparatus to be displayed in an updated state (see paragraphs 0163, 0341, 0342, Aoyagi).

As to claims 15 and 17, Aoyagi teaches wherein the identification information is a network address of the data processing apparatus (i.e., Mac addresses, IP addresses, see paragraph 0190, Aoyagi).

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. N./

Examiner, Art Unit 2161

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161